

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: **MICHAEL S. HODSON**
 ARKANSAS BAR ID # 97208
 CPC Docket No. 2008-090

FILED

FEB 27 2009

FINDINGS AND ORDER

LESLIE W. STEEN
CLERK

The formal charges of misconduct upon which this Order is based arose out of information that came to the attention of the Committee from an Arkansas Supreme Court Per Curiam opinion. On May 5, 2008, The Boone County Circuit Court sentenced Lloyal Willie Bryant to life imprisonment for two counts of rape and two counts of second degree sexual assault in Case No. CR2007-120, *State of Arkansas v. Lloyal Willie Bryant*. Mr. Hodson timely filed the notice of appeal from the judgement on May 29, 2008. Pursuant to Rule 5 of the Arkansas Rules of Appellate Procedure—Civil, applicable here pursuant to Ark. R. App. P.—4(a), Mr. Hodson was required to file the record within ninety (90) days from the filing of the first Notice of Appeal unless the time had been extended by circuit court order. No extension of time was requested or ordered. The time for filing the record on appeal expired on August 27, 2008, and the record was not tendered until August 28, 2008. Mr. Hodson subsequently filed a motion for rule on clerk. On September 25, 2008, the Arkansas Supreme Court granted the motion and forwarded a copy of its opinion to the Committee on Professional Conduct.

Upon consideration of the formal complaint, the failure to respond to the Complaint, and other matters, and the Arkansas Rules of Professional Conduct, Panel B of the Committee on Professional Conduct finds:

A. That Mr. Hodson violated Rule 1.1 in that he was not thorough enough in his representation of Mr. Bryant to be certain that he complied with the requirements of Ark. R. App. P. —Civ. 5. Arkansas Rule 1.1 requires that a lawyer provide competent representation to a client,

including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.


B. That Mr. Hodson violated Rule 1.3 in that he failed to timely file the record in Mr. Bryant's appeal. Arkansas Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

C. That Mr. Hodson violated Model Rule 8.4(d) in that he failed to timely file the record in Mr. Bryant's appeal resulted in the appellate court having to expend its limited time and resources dealing with his motion for rule on the clerk, an effort by the Court that would not have been necessary but for his untimely filing. Arkansas Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **MICHAEL S. HODSON**, Arkansas Bar ID# 97208 be, and hereby is, **CAUTIONED** and ordered to pay **\$50.00 COMMITTEE COSTS** for his conduct in this matter. For his **FAILURE TO TIMELY RESPOND** to the Committee's complaint against him, Mr. Hodson is **CAUTIONED** and ordered to pay a **\$250.00 FINE**. The costs and fines assessed herein, totaling three-hundred dollars (\$300) shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By


Valerie Kelly, Panel B

Date

December 29, 2008